

# LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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**DATE:** JANUARY 12, 2004  
**FROM:** KATHLEEN ROLLINGS-McDONALD, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #6:** LAFCO SC#213 – Irrevocable Agreement to Annex No. 03-0006, City of Fontana for Sewer Service

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SUBMITTED BY: City of Fontana

RECOMMENDATION:

- 1) For environmental review, take the following actions as a responsible agency:
  - a. Certify the Commission has reviewed and considered the environmental assessment and Negative Declaration prepared by the County of San Bernardino for the Tentative Parcel Map 16117 and Conditional Use Permit to Establish Four Speculative Industrial Warehouse/Office Buildings on 4.67+/- acres; and found them to be adequate for Commission use;
  - b. Determine that the Commission does not intend to adopt alternatives for this project; that all mitigation measures are the responsibility of the County of San Bernardino, not the Commission, and are self-mitigating through implementation of the adopted Conditions of Approval for the project; and,
  - c. Direct the Clerk to file the Notice of Determination within five working days.
- 2) Approve SC#213 authorizing the City of Fontana to extend sewer services outside its boundaries to current Assessor Parcel Number 0237-042-07 to be divided into four lots by Tentative Parcel Map 16117; and,

- 3) Adopt LAFCO Resolution #2799 setting forth the Commission's findings, determinations and approval of the agreement for service outside the City of Fontana's boundaries.

**BACKGROUND:**

The City of Fontana has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend sewer service. The agreement relates to the parcel generally located at the northwest corner of the intersection of Boyle Avenue and Poplar Avenue, in the south central portion of the City of Fontana sphere of influence. Attachment #1 provides a location and vicinity map of the site.

The City, on behalf of the property owners, has requested that the Commission review and approve the extension of service pursuant to the provision of Government Code Section 56133. The current use on this parcel, APN #0237-042-07, is vacant land. The anticipated development through approval of the Tentative Parcel Map and Conditional Use Permit anticipates the development of four individual Industrial Warehouse/Manufacturing buildings ranging in size from 15,000 to 16,000 square feet each. The Tentative Parcel Map proposes to divide this single parcel into four individual parcels.

The County of San Bernardino Land Use Services Department has processed the approval of the Tentative Parcel Map 16117 and Conditional Use Permit. The Conditions of Approval placed upon this project include the requirement for connection to the City of Fontana sewer system if available (Conditions No. 40, 41, and 42). The City of Fontana pre-zoning of the site, through its 1995 General Plan Update, is IP (Planned Industrial), which would allow for the industrial warehouse/manufacturing use anticipated by the County's land use approvals.

The City's application and supplemental response indicate that service will be provided to the proposed four parcels through extension of a sewer main approximately 685 feet westerly from the intersection of Poplar and Boyle Avenues, and each lot will be provided service through extension of a lateral approximately 64 feet onto the lots. The 8-inch sewer main extension will connect to the existing 21-inch sewer main within Poplar Avenue.

Pursuant to the Commission's application requirements for service contracts, information is to be provided regarding all financial obligations for the extension of services outside an agency's boundaries. Accordingly, through the processing of this service contract application, the City has supplied LAFCO

staff with information that relates to the extension of service to these four anticipated parcels. The calculation of charges is based upon equivalent dwelling units. For a proposed individual development, this factor is determined by the number of plumbing fixtures multiplied by the City's sewage generation factor. In this case that would represent 5.4834 EDUs ( $74 \times 0.0741$ ). The calculation of the charges based upon EDUs is:

Sanitary Sewage Facilities Expansion Fees (Paid to Inland Empire Utilities Agency)	\$3,840 X 5.4834 EDUs	\$21,056.25
Sewer Connection Charge	\$770 x 5.4834 EDUs	\$4,222.22
Sewer Deposit	4 x 5.4834 EDUs x \$34.06 (monthly sewer rate) x 1.5 (premium rate outside city boundary)	\$1,120.58
Sewer Permit	1 permit x \$25	\$25.00
TOTAL		\$26,424.05

The occupants of the industrial/warehouse development will be charged a monthly rate of \$51.09 for sewer service (a premium rate representing  $1 \frac{1}{2}$  times the in-city rate of \$34.06).

Authorization of this agreement by the Commission is required before the City of Fontana can take the final actions to implement the terms of the agreement, which will apply to the current processing of the Tentative Parcel Map and CUP. In order for the development project to proceed, it must show proof of its ability to connect to the City of Fontana sewer infrastructure (County Conditions of Approval, Item #41).

Staff has reviewed this application against the criteria established by Commission policy and Government Code Section 56133. The staff supports the City's request to provide sewer service by contract to the parcel since its facilities are adjacent to the anticipated development, and there is no other existing entity available in the area to provide the level of service required by the project. In making its determinations, the Commission will need to find that the contract complies with the provisions of this code section and with the standards adopted by the Commission for implementing these provisions.

**FINDINGS:**

1. The area is within the sphere of influence assigned the City of Fontana. The parcel will receive its water service from the Fontana Water Company and the application requests the receipt of City of Fontana sewer service to the four proposed parcels.

2. The service contract to be considered is for the ultimate provision of sewer service by the City of Fontana. This contract will fulfill the requirements of the County for development of the industrial warehouse/office buildings as identified in the adopted Conditions of Approval. The approval of the contract will allow the City and property owners to finalize the agreement so that the Tentative Parcel Map and the CUP for the parcels can be finalized with the County.
3. In August 2003, acting as the CEQA lead agency, the County prepared an environmental assessment for Tentative Parcel Map 16117 to create four lots on 4.67 acres and the Conditional Use Permit to establish four 15,000 square foot speculative industrial warehouse/office buildings on 4.67 acres located at the northwest corner of Boyle and Poplar Avenues. This decision indicates that the project would not have a significant effect upon the environment through its development under the Conditions of Approval imposed.

LAFCO Environmental Consultant, Tom Dodson and Associates, has provided a review of the County's initial study and Negative Declaration issued for this Tentative Parcel Map/CUP. Mr. Dodson's analysis has indicated that the County's initial study and Negative Declaration are adequate for the Commission's use as a CEQA responsible agency. The Commission will not be adopting alternatives or mitigation measures for this development, as these are the responsibility of the County and are considered self-mitigating through implementation of the Conditions of Approval. Attachment #4 provides a copy of Mr. Dodson's response and recommendation regarding the Commission's review and necessary actions to be taken.

KRM:

Attachments:

1. Vicinity Map and Map Showing Location of Infrastructure
2. City Application and Irrevocable Agreement to Annex
3. County Conditions of Approval for CUP
4. Tom Dodson and Associates Response and County's Environmental Analysis of Tentative Parcel Map, and CUP
5. Draft Resolution #2799